Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 February 2005</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-4,6-9,16,18-20 and 23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-4,6-9,16,18-20 and 23</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed March 16, 2005. Claims 1-4,

6-9, 16, 18-20, and 23 are pending in the present application.

Claim Rejections - 35 USC § 112

Applicant's amendment has overcome the rejection, therefore it is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-4, 6-9, 16, 18-20 and 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over USPN 6,754,706 issued to Swildens et al. (hereinafter Swildens).

Regarding claim 1, Swildens teaches a method for providing a persistent connection

between a client and a real server, the method comprising:

receiving at a DNS server a request originating from a client for connection to a virtual

server implemented on the local director, the local director in communication with two or more

real servers (abstract; figure 5; col. 2, lines 32-67);

identifying a natural class of an IP address of said first client (figure 1; col. 1, lines 62-67; col. 2, lines 39-45; col. 6, lines 1-8; col. 6, lines 47-65); and

determining if the DNS server has received and sent out connection requests from said first client or any client having the same natural class as said first client by searching a table stored on the local director and identifying previous connections created between the local director and said two or more real servers (abstract; figures 1 and 2; col. 1, lines 55-67; col. 2, lines 39-65);

if the DNS server has received and sent out a connection request to one of said real servers from said first client or any client having the same natural class as said first client, selecting the same real server for connection with said first client (abstract; figures 1 and 2; col. 1, lines 55-67; col. 2, lines 39-65); and

if the DNS server has not received and sent out a connection request to one of said real servers from said first client or any client having the same natural class as said first client, selecting one of said DNS servers based on load balancing (abstract; figures 1 and 2; col. 1, lines 55-67; col. 2, lines 39-65);

forwarding to the selected real server transmissions originating from the client (abstract; col. 2, lines 32-65).

Although Swildens is silent about the use of local director, in this case, one of ordinary skill in the art would have recognize that his use of DNS server provides the same function as the claimed local director and provides substantially the same result.

Regarding claim 2, Swildens teaches the method of claim 1 wherein selecting a real

server comprises selecting the same real server for all clients having the same natural class

subnet (col. 6, lines 46-65).

Regarding claim 3, Swildens teaches the method of claim 1 wherein receiving a request

comprises receiving a request from a firewall and wherein the IP address of the device is the IP

address of the firewall (col. 6, lines 46-65).

Regarding claim 4, Swildens teaches the method of claim 1 wherein the request is an

HTTP request (col. 6, line 66 to col. 7, line 6).

Claim 6 is similar to claim 1 therefore is rejected under the same rationale.

Regarding claim 7, Swildens teaches a computer program product wherein the computer

readable medium is selected from a group consisting of CD-ROM, floppy disk, tape, flash

memory, system memory, hard drive, and data signal embodied in a carrier wave (col. 9, lines

16-21).

Regarding claim 8, Swildens teaches the computer program product of claim 6 wherein

the code that selects a real server comprises code that selects the same real server for all clients

having the same natural class subnet (col. 6, lines 46-65).

Regarding claim 9, Swildens teaches the computer program product of claim 6 wherein the code that receives a request comprises code that receives a request from a firewall and wherein the IP address of the device is the IP address of the firewall (col. 6, lines 46-65).

Regarding claim 16, Swildens teaches selecting the same DNS server for requests from IP addresses having the same natural class subnet (col. 7, lines 28-32).

Regarding claim 18, Swildens teaches the method of claim 1 further comprising updating said table each time a connection is made between the DNS server and said two or more real servers with a new natural class (col. 7, lines 40-49).

Regarding claim 19, Swildens teaches the method of claim 1 wherein identifying a natural class comprises identifying a subnet mask and wherein the selection of the real server is based on the identified subnet mask (col. 6, lines 46-65).

Regarding claim 20, Swildens teaches the method of claim 1 further comprising updating entries in said DNS server table at predefined intervals (col. 6, lines 46-65).

Claim 23 is similar to claim 1, therefore is rejected under the same rationale.

Response to Arguments

Applicant's arguments with respect to the rejections under 35 U.S.C. 102(e) have been

fully considered and are persuasive. Therefore, the rejection has been withdrawn. However,

upon further consideration, a new ground(s) of rejection is made in view of Swildens.

Conclusion

Applicant's amendment dated August 9, 2004 necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alina N Boutah whose telephone number is 571-272-3908. The

examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).
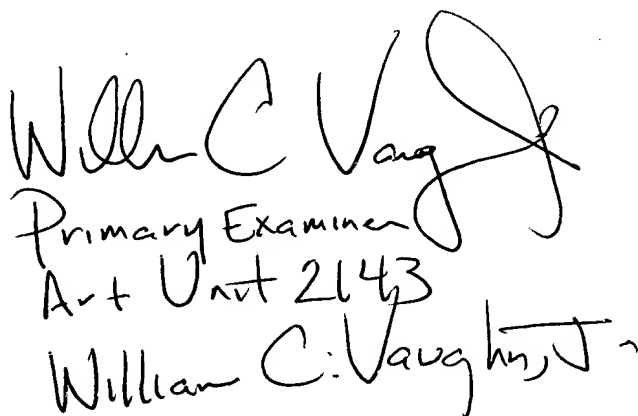
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A Wiley can be reached on 571-272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANB

Primary Examiner
Art Unit 2143
William C. Vaughn Jr.